

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 09-55 (5) (RHK/SER)

Plaintiff,

ORDER

v.

Earl David Bowser,

Defendant.

Before the Court is Defendant's Motion for a reduction of his sentence based upon amendments to the Sentencing Guidelines which became effective November 1, 2011—those amendments lowered the base offense levels applicable to cocaine base/"crack" offenses.

Because Defendant was determined to be a "career offender," however, he is not eligible for any sentence reduction. See United States v. Tolliver, 570 F.3d 1062 (8th Cir. 2009).

Accordingly, and upon all the files, records, and proceedings herein, **IT IS ORDERED** that Defendant's Motion for Reduction of Sentence (Doc. No. 342) is **DENIED**.

Dated: February 8, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge